

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

NOV 15 2000

CREDIT & DEBIT MANAGEMENT
GNDP OMD

OFFICE OF
MANAGING DIRECTOR

Attila Kossanyi, Vice President
Radio Station WKTX
11906 Madison Avenue
Lakewood, Ohio 44107

Re: Request for Waiver of Fiscal Year 1999
Regulatory Fee – Fee Control No. 00000CDMC-99-011

Dear Mr. Kossanyi:

This responds to the above mentioned request of September 15, 1999, requesting waiver of the Fiscal Year 1999 regulatory fee for radio station WKTX. The request is based on financial hardship that arose from your station's inability to maintain an effective sales force.

Title 47, United States Code, Section 159(c) and Commission Rule 47 CFR §1.1164 impose a 25% penalty of the amount of the regulatory fee for untimely payment. In addition to the penalty to enforce compliance, Congress granted the Commission authority to waive the fee "in any specific instance for good cause shown, where such action would promote the public interest." The Commission's implementing rules pertinent to waiver requests are at 47 CFR §1.1166.

That rule requires that the fee accompany the request for waiver except in situations where the request includes a petition to defer payment due to financial hardship, supported by appropriate documentation. Failure to pay the regulatory fee or to make a timely request to defer the fee is a basis to dismiss the request and impose the penalty.

Because you have alleged financial hardship, we reviewed your submission to determine if it established good cause for deferment and waiver. The authority to waive fees is narrowly defined (*See Conference Report, H.R., Rep. No. 453, 99th Cong., 1st Sess. 423*). The standard contains two elements. The first is whether a petitioner demonstrates an extraordinary or compelling reason for waiver. Finally, a petitioner must demonstrate that the waiver of the fee overrides the public interest to collect the fee.

Concerning the first of the standard, you have the burden of establishing financial need. In the past we have said, at a minimum petitioners must submit:

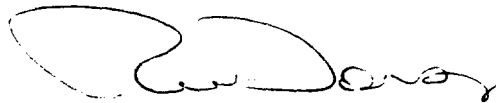
[I]nformation such as a balance sheet and profit and lost statement (audited, if available), a cash flow projection ... (with an explanation of how calculated), a list of their officers, and the amount of their highest paid employees, other than officers, and the amount of their compensation, or similar information.


10 FCC Rcd at 12761-2762. The submission is scrutinized to determine if the compelling need has been established. The Commission's decision to grant waivers or reductions of its regulatory fees is limited to instances where a "petitioner presents a compelling case of financial hardship." *Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995).

Your supporting documents consist of two pie chart graphs for the period of time from January 1999, to mid-September 1999, and your brief comment that the station was unable to maintain its sales force. Your submission does not establish good cause for a waiver of the regulatory fee, and it does not demonstrate that a waiver would promote the public interest. Accordingly, we deny your petition. Because your fee for fiscal year 1999 (\$825) is now late, the statutorily mandated 25% penalty of \$206.25 will be imposed. The fee of \$1031.25 must be filed together with a FCC Form 159 (copy enclosed) within 30 days from the date of this letter.

If you have any questions, please call the Credit & Debt Management Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Reger", written over a horizontal line.

 Mark Reger
Chief Financial Officer

Enclosure



Classic Oldies
WKTX

September 15, 1999

FCC
Office of the Managing Director
1919 M. Street, N.W., Room 450
Washington D.C. 20554
attn: Regulatory Fee Waiver/Reduction Request

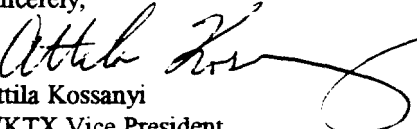
Dear Sirs,

I would respectfully ask that you review our financial status in regards to our 1999 regulatory fees so that WKTX may be given a Waiver of our 1999 regulatory fee.

With all the recent consolidation of radio stations in our area this has put a great hardship on us regarding sales personnel. We had started a good trend in the fourth quarter and in the first quarter the conglomerates hired away our entire sales force and with them went the Advertisers. We were not in a position to be able to compete with the offers they had made due to the big money they had behind them. In April we decided to change formats which has proved to be a good decision, it was not an easy move. I have included all of the graphs so you can see for yourself.

What started out as a good trend in employment came back to haunt us. If you should need any additional information please don't hesitate to contact us.

Sincerely,


Attila Kossanyi
WKTX Vice President

216/221-0330 Fax : 216/221-3638 nbn @ mail.multiverse.com

11906 Madison Ave. Lakewood, Ohio 44107